

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EVAN JOHNSON, JOSH GRAY, and
DYLAN COOK,

No. 2:20-cv-01676-RAJ

Plaintiffs,

(Proposed) JOINT STATUS REPORT AND
DISCOVERY PLAN

v.

HYTECH POWER, LLC., a Washington limited liability company; TOM GIBBONS, THE ESTATE OF S.B. JOSEPH CLARK; CHASE C. ENGELHART and MARGARET A. CLARK, Co-Personal Representatives of the ESTATE OF S.B. JOSEPH CLARK, Deceased; CHASE C. ENGELHART, individually; THOMAS GIBBONS, individually and his marital community with JANE DOE GIBBONS, his spouse; AVIATION PARTNERS, INC., a Washington corporation; APB WINGLETS COMPANY, LLC, a Foreign Limited Liability Company; and AVIATION PARTNERS BOEING WINGLETS II, LLC, a multiemployer health plan,

Defendants.

1 **1. STATEMENT OF THE NATURE AND COMPLEXITY OF THE CASE¹**

- 2 a. Plaintiffs' claims are not complex and can be broken into two categories: (1) Evan
3 Johnson's claims against HyTech Power, LLC ("HyTech"), the Estate of Joseph Clark
4 through its co-personal representatives ("Estate"), and Chase Englehart and Thomas
5 Gibbons based on these Defendants' alleged failure to pay wages; and (2) Plaintiffs'
6 claims arising out of the alleged failure of all Defendants other than the Estate to provide
7 Plaintiffs with the initial COBRA notice or the COBRA election notice.
- 8 b. Defendant HyTech has asserted two counterclaims against Plaintiff Evan Johnson.
9 HyTech's first claim is for breach of contract, stemming from Mr. Johnson's alleged
10 violation of the terms of his employment agreement with HyTech. HyTech's second claim
11 is for alleged misappropriation of trade secrets under RCW ch. 19.108. HyTech's
12 counterclaims are somewhat complex in that they relate to Mr. Johnson's alleged use and
13 alleged disclosure to third parties of assets claimed to be owned by HyTech, including
14 intellectual property. HyTech's counterclaims will require substantial discovery from
15 third parties.

16 **2. PROPOSED DEADLINE FOR THE JOINING OF ADDITIONAL PARTIES**

- 17 a. December 1, 2021

18 **3. RIGHT TO CONSENT TO ASSIGNMENT**

- 19 a. No.

20 **4. DISCOVERY PLAN:** the parties' views and proposals on all items in Fed. R. Civ. P. 26(f)(3),
21 which includes the following topics:

22 **A. INITIAL DISCLOSURES**

- 23 1. Exchanged on June 24, 2021

24 **B. SUBJECTS, TIMING AND POTENTIAL PHASING OF DISCOVERY**

- 25 1. Discovery Cut-off: February 11, 2022

26 ¹ APB WINGLETS COMPANY, LLC, a Foreign Limited Liability Company; and AVIATION PARTNERS BOEING
27 WINGLETS II, LLC, a multiemployer health plan, were not served at the time of the preparation of this Report and did
not participate.

1
2 **C. ELECTRONICALLY STORED INFORMATION**

- 3 1. Parties intend to adopt an agreement similar to the Western District of
4 Washington's Model Agreement regarding discovery of ESI.

5 **D. PRIVILEGE ISSUES**

- 6 1. As addressed in the ESI Agreement entered into by the parties.

7 **E. PROPOSED LIMITATIONS ON DISCOVERY.**

- 8 1. The parties do not contemplate any changes to the discovery limitations
9 set forth in the Federal Rules of Civil Procedure at this time, but reserve
10 the right to make such a request if appropriate by motion.

11 **F. NEED FOR ANY DISCOVERY RELATED ORDERS**

- 12 1. The parties intend to work together on the entry of a stipulated protective
13 order for this Court's consideration.

14 **5. VIEWS, PROPOSALS AND AGREEMENTS**

- 15 a. The parties agree to work cooperatively to resolve discovery disputes.
16 b. Some of the parties have engaged in mediation, and all remain amenable to re-engaging
17 in alternative dispute resolution as the case proceeds.

19 **6. COMPLETION OF DISCOVERY**

- 20 a. February 11, 2022

21 **7. BIFURCATION**

- 23 a. If desired and agreed to by the parties, bifurcation to be available until 30 days after
24 discovery is complete.

25 **8. WHETHER PARTIES INTEND TO UTILIZE THE INDIVIDUALIZED TRIAL
26 PROGRAM SET FORTH IN LOCAL CIVIL RULE 39.2 OR ANY ADR OPTIONS SET
 FORTH IN LOCAL CIVIL RULE 39.1**

- 1 a. The parties do not anticipate utilizing Local Rules 39.2 or 39.1.
2

3 **9. ANY OTHER SUGGESTIONS FOR SHORTENING OR SIMPLIFYING THE CASE.**

- 4 a. Not at this time.
5

6 **10. THE DATE THE CASE WILL BE READY FOR TRIAL.**

- 7 a. May 16, 2022
8

9 **11. WHETHER THE TRIAL WILL BE JURY OR NON-JURY**

- 10 a. Plaintiffs have requested a Jury Trial.
11

12 **12. THE NUMBER OF TRIAL DAYS REQUIRED**

- 13 a. Approximately 8 trial days are anticipated, provided each side receives equal time for all
14 issues.
15

16 **13. NAMES ADDRESSES AND TELEPHONE NUMBERS OF ALL TRIAL COUNSEL**

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18

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20
21 **14. DATES ON WHICH THE TRIAL COUNSEL MAY HAVE COMPLICATIONS TO**
22 **BE CONSIDERED IN SETTING A TRIAL DATE**

- 23
24 a. Counsel for the plaintiffs is not aware of any at this time.
25 b. Counsel for a number of the defendants anticipate trials in related cases in King County
26 Superior Court in April 2022, and trial of this matter should not be at the same time.
27 c. In addition, lead counsel for the Estate, Nicholas Gellert, currently has trials set in other
28 matters for January 24, 2022, January 31, 2022, February 14, 2022, April 4, 2022, April
29 11, 2022.

30
31 **15. DATE CORPORATE DISCLOSURE STATEMENT WILL BE FILED**

- 32
33 a. In accordance with court rules.

DATED this 1st day of July 2021.

LASHER HOLZAPFEL SPERRY & EBBERSON
PLLC

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/s/ *Paul J. Spadafora*

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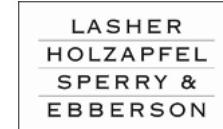
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(Proposed) JOINT STATUS REPORT AND
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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2021, I caused the foregoing pleading to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel:

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10 DATED this 1st day of July, 2021 at Seattle Washington

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